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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

2005 JUL 25 A 10:17
DEBRA R. HARRIS, CLERK
U.S. DISTRICT COURT
NORTHERN DIVISION

CLIFFORD BONNER EL,
PLAINTIFF,

Vs.

CIVIL ACTION NO:2:05-CV-409-F

J.C.GILES,et al.,
DEFENDANTS.

MOTION IN OPPOSITION

Come now the Plaintiff, Clifford Bonner El, #208359, (pro-se) and file this his motion in opposition to the **Special Report as submitted by the defendant(s)** as ordered by this Honorable Court's order dated the 15th of June, 2005.

(1).The plaintiff objects to each and every statement as presented by the defendant(s) in this matter as so follows.

(a) Opposition to Statement of Defendant, J.C.Giles Warden II.Ventress Cor.Fac, Warden Giles in his statement of facts states that Inmate Bonner was upset about being placed in the **Segregation Unit (i.g.Protective Custody)**, "When in fact Bonner knew that he and Warren were to be transferred to another facility due to, security reasons and that he had initiated the request upon learning of a potential of there being a family member of the victim in a case that he possessed knowledge therefrom .

(b) Inmate Clifford Bonner El, and Warden J.C.Giles had spoken on April 08, 2005 and on April 12 ,2005,concerning this matter and thereby Warden Giles was in full knowledge just as Inmate Bonner El. Inmate Bonner had already acknowledged that he and Inmate Warrnen were to be placed in the P.C.(Protective Custody Unit).

The Plaintiff Clifford Bonner El, aver that Warden J.C.Giles was fully aware that Inmate Bonner, knew of this pending transfer to Administrative Segregation Unit due to an enemy situation, This is standard operating procedure for this type of situation that Inmate Bonner El has been through this before so therefore this was not any different from any other.

QUESTION TO THE COURT: When is, it or has it been ,necessary to strick an State Inmate repeatedly with a closed fist in order to maintain disclipline of an Inmate[?]

It is stated in the report filed by the Defendnat(s) that Lt.Dowling personaly escorted the Plaintiff to the Health Care Unit but yet the medical report states that the Inmate ,Bonner El,was brought to H.C.U. by A & O ,Officer RUMPH was the escort officer to ,H.C.U.

(1) The Institutional Report states that Lt.Dowling escorted the Plaintiff to the H.C.U. to have a body chart done [This in it self shows that the Defendant(s) have fictionally prepared the Institutional report to cover the true actions of Lt.Dowling] and "yet" the Defendant(s) submited as {Exhibit "A:} Officer(s) Larry Thomas and Jimmy Rumph placed hand cuffs on Inmate Bonner and that Officer(s) Aaron Patterson and Jimmy Rumph were the escorting Personel to take Inmate Bonner(the plaintiff) to H.C.U.,thereby the resulting in contradictory accounting of the event.

(2) All Institutional Incident Report(s) are the narratives of Lt. John Dowling and list no witnesses to these events [Why?] because Lt. John S. Dowling knew that his intent was to set an example of Inmate Bonnerin direct retaliation for Inmate Bonner's oversight in taking a matter that was felt by Lt. Dowling should have been brought to him and not directed to Warden J. C. Giles this mentality is common place within the A.D.O.C. and has become to say embolden due to the overly crowded condition and longer working hours put in by most officers within the administration.

(3) The Defendants exclaims the right to state agent immunity and not immunity in there personal capacity and that there are no grounds that relife can be granted the matter at hand is that the plaintiff seeks damages for the physical assault upon his person as a equity for the violation of his Eighth Amendment Rights also the 14th Amendment to the U.S. Constitution which prohibits a State from denying to any person within its jurisdiction the equal protection of the laws.

(a) The eighth Amendment to the U.S. Constitution prohibits cruel and unusual punishment .

Question: What was the mental state of Lt. John Dowling at the time of this Event and was it meritorious that Inmate Bonner's looking or staring that provoked Lt. John Dowling [?]

Question: Is it Standard Operational Procedure to take Inmates in to private rooms in a state of aggravation alone without assistance of another officer for if not security then for safety, and to have collaboration of events and actions ,if not, then the intentions are suspect in nature{?}

ARGUMENTS IN OPPOSITION OF FACT

We ask only the question of relevance at what point do you justify the use of physical force and to what extent do you apply that force before it becomes an act of maliciously, sadistically and issued with reckless wanton actions ?

Lt. John Dowling used force where there was no apparent threat to himself or others, if the statement of Lt. Dowling is true and factual, why is it that he did not order the other officers that were present at the time to place cuffs on Inmate Bonner prior to him escorting the Plaintiff into an isolated area from the view of others, and why was it that this Inmate was taken in to an area out of the line of sight of others before he became so aggressive that physical force became the only avenue of restraint?

Lt. John Dowling was the antagonist in this event and the physical assault on the person of the Plaintiff Clifford Bonner El is a clear cut scenario of an deliberate act of violence against another in direct violation of the Plaintiff's **EIGHT AMENDMENT CONSTITUTIONAL RIGHTS AGAINST CRUEL AND UNUSUAL PUNISHMENT**, WHEN Lt. John Dowling took Inmate Bonner in to room #808 with the forethought of his actions to teach Inmate Bonner the chain of command he with the intent to physically reprimand Inmate Bonner was with malicious intent.

The Statements In this Motion of Opposition are true and correct the records show the use of force in excess and the Plaintiff has, had to return to the Health Care Unit for follow up treatment for the lingering injuries

inflected at the hands of Lt.Dowling ,Warden J.C.Giles as the Warden has the responsibility to not only his staff but the Inmate Population as well to see that they are treated with some measurement of protection and respect at all times and that the personal emotions of his personel are intact and that there conduct is of a professional nature during the conducting of duties therein.

The Plaintiff seeks this Court to Grant him the relief he so seeks in the order thereof.

(a)Warden J. C. Giles be given writen and verbial reprimanded for allowing this type of behavior to be condoned .

(b)That Lt. John S.Dowling be given an order to pay in punitive damages in the amount of \$600.as a pecuniary damages.

It is SO PRAYED.....

SUBMITTED BY

CLIFFORD BONNER E1
PLAINTIFF (pro-se)

CERTIFICATE OF SERVICE

I hereby certify that, that a true and correct copy of the foregoing was Mailed to the below listed parties by placing the same in a postage pre-paid and properly addressed envelope and depositing the same in the U.S. Mail this 30th day of JUNE 2004.

I hereby swear under penalty of perjury that I am the party requesting the above action in this Matter.

Clifford Bonner EL 208359
CLIFFORD BONNER EL#208359/B-2-04T
STATON COR. FAC.
P.O. BOX # 56
ELMORE, ALABAMA. 36025-0056

STATE OF ALABAMA
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CLERK OF THE DISTRICT COURT OF THE
UNITED STATES FOR THE MIDDLE
DISTRICT OF ALABAMA
PERRY D. MATHIS
HUGO L. BLACK U.S. COURTHOUSE
1729 FIFTH AVENUE N.
BIRMINGHAM, ALABAMA. 35203

I, the undersigned authority, a Notary Public, hereby certify that the above named person known to me or has proven to me on a basis of satisfactory evidence to be the person whose name is subscribed above, has duly sworn and executed said instrument in my presence.

IN WITNESS WHEREFORE, I have hereunto set my hand and affixed my official seal this the 30th day of JUNE 2005

SEAL

Jeff C. Burnett
NOTARY PUBLIC
MY COMMISSION EXPIRES, 1-21-08